

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

)	Civil Action No. 05-939 (JRT/FLN)
3D SYSTEMS, INC.,)	
)	
Plaintiff,)	JOINT RULE 26(f) REPORT
v.)	
)	
OBJET GEOMETRIES, LTD. AND)	
STRATASYS, INC.,)	
Defendants.)	
)	

)	Civil Action No. 05-136 (JRT/FLN)
OBJET GEOMETRIES, LTD,)	
and STRATASYS, INC.)	
)	
Plaintiffs,)	JOINT RULE 26(f) REPORT
v.)	
)	
3D SYSTEMS, INC. .,)	
)	
Defendant.)	
)	
)	

The parties/counsel identified below participated in the meeting required by Fed.R.Civ.P. 26(f) on June 30, 2005 and prepared the following report.

The pretrial conference in this matter is scheduled for August 23, 2005 at 9:30 a.m. before the United States magistrate Judge Franklin L. Noel in chambers at Suite 9W, United States Courthouse, 300 South 4th Street, Minneapolis, Minnesota. The parties do not request that the pretrial be held by telephone.

A. Description of Case

I. 3D Systems, Inc. v. Objet Geometries, Ltd. and Stratasys, Inc.,
Civil Action No 05-CV-939

- (1) Concise Factual Summary of Plaintiff's Claims;

Plaintiff 3D Systems, Inc. for its claims seeks, among other things, a judgment of patent infringement against Defendants Objet Geometries and Stratasys, Inc. for infringement of the following patents: U.S. Patent No. 5,136,515, U.S. Patent No. 6,136,252, U.S. Patent No. 6,193,923, U.S. Patent No. 6,508,971, U.S. Patent No. 6,532,394, and U.S. Patent No. 6,660,209.

(2) Concise Factual Summary of Defendant's claims/defenses;

Defendants Objet Geometries, Ltd. and Stratasys, Inc. for their defenses assert, among other things, that 3D Systems' patents are not infringed, and are invalid and unenforceable. Defendants further assert that some or all of 3D Systems' claims and/or claims for damages are barred by laches and/or estoppel.

II. Objet Geometries, Ltd. and Stratasys, Inc. v. 3D Systems, Inc., Court File No. 05-CV-136

(1) Concise Factual Summary of Plaintiff's Claims;

Plaintiffs Objet Geometries, Ltd. and Stratasys, Inc. for their its claims seek, among other things, a judgment of patent infringement and damages for infringement of Objet's U.S. Patent Nos. 5,287,435, 5,386,500 and 5,519,816. Plaintiffs also seek a declaration that Plaintiffs have not asserted 3D Systems' patents and that 3D Systems patent are invalid and unenforceable.

(2) Concise Factual Summary of Defendant's claims/defenses;

Defendant 3D Systems, Inc. for its claims seeks, among other things, a declaration that the '500, '816, and '435 patents are invalid and not infringed by Defendant; and seeks a declaration that Defendant has a valid, enforceable and irrevocable license under the '500, '816 and '435 patents. Defendant 3D Systems, Inc. for its defenses asserts that Defendant has not directly infringed, contributed to the infringement of, or induced the infringement of any properly construed claim of the '435, '500 and '816 patents; that one or more claims of each of the '435, '500

and '816 patents are invalid for failure to comply, *inter alia*, with the requirements of 35 U.S.C. §§ 102, 103, and/or 112; that Defendant is irrevocably licensed to make, have made, use, offer to sell and sell products and to practice and have practiced processes under each of the '435, '500 and '816 patents pursuant to a 1988 agreement between Defendant and Cubital Ltd., which patents have been alleged to have been assigned subsequent to the 1988 agreement to Plaintiff Objet Geometries, Ltd.; that the Complaint fails to state a claim upon which relief can be granted against Defendant; and that to the extent that any claim of the '435, '500 or '816 patents is held invalid, Plaintiffs are precluded from recovering costs under 35 U.S.C. § 288.

(3) Statement of Jurisdiction (including statutory citations);

Exclusive federal patent jurisdiction; 28 U.S.C. §§ 1331 and 1338(a).

(4) Summary of Factual Stipulations or Agreements;

Objet Geometries and Stratasys, Inc. have made the following factual stipulations:

- a) All Eden 333 products, including that sold to Colgate-Palmolive, were offered for sale by and/or purchased from Objet Geometries or Stratasys, Inc.; and
- b) All Eden 333 products, including that in the possession of Colgate-Palmolive and those purchased by Stratasys, Inc. from Objet Geometries, are used and operated for their intended purposes and to perform their intended functions.
- c) The InVision products were offered for sale and/or purchased from 3D Systems.

In addition, the parties have agreed that Civil Action Nos. 05-CV-939 and 05-CV-136 should be consolidated for the purpose of discovery and other pretrial matters, and are in the process of preparing a proposed Order to that effect. The parties believe it is premature at this time to decide whether and, if so, how, the two Actions should be consolidated for the purpose of trial.

(5) Statement of whether jury trial has been timely demanded by any party.

Yes

B. Pleadings

- (1) Statement of whether all process has been served: All parties have been served.
- (2) Statement of whether all pleadings filed: Yes.
- (3) Statement of whether any plan for any party to amend pleadings or add additional parties to the action: None at this time.
- (4) Proposed date by which all hearings on motions to amend and/or add parties to the action shall be heard:

Date: December 2, 2005

C. Discovery Limitations. The parties agree and recommend that the Court limit the use and numbers of discovery procedures in the consolidated discovery phase of the above two identified Civil Actions as follows:

- (1) 50 interrogatories for 3D Systems and 50 interrogatories total for Objet and Stratasys;
- (2) Unlimited document requests;
- (3) Each side (Objet and Stratasys being on one side) is entitled to depose each of the named inventors of the opposing side's patents-in-suit, plus 15 additional depositions;
- (4) Unlimited requests for admissions;
- (5) 0 Rule 35 medical examinations;
- (6) Other - Not applicable.

These limitations are without waiver of the right of any party to seek additional interrogatories and depositions based on a showing of good cause.

D. Discovery Schedule/Deadlines. The parties recommend that the Court establish the following discovery deadlines in the consolidated action of the above two identified Civil Actions:

- (1) Deadline for completion of non-expert discovery, including service and response to interrogatories, documents requests, requests for admission, and scheduling of factual depositions: September 1, 2006
- (2) Deadline for completion of all Rule 35 medical examinations – Not applicable;
- (3) Other – The parties propose that a Markman proceeding be conducted according to the following schedule:

Deadline for the parties to exchange a list of claim terms that should be construed: November 23, 2005;

Deadline for the parties to exchange proposed construction of claim terms: December 23, 2005;

Deadline for filing and service of initial Markman briefs: February 14, 2006;

Deadline for filing and service of response briefs: March 14, 2006;

Tentative date for Markman hearing: April 11, 2006.

E. Experts. The parties anticipate that they will require expert witnesses at time of trial.

- (1) The Plaintiff 3D Systems, Inc. in Civil Action No. 05-CV-939 anticipates calling 4 – 6 experts in the fields of United States Patent Office procedures, prosecution history of the patents in suit, damages and rapid prototyping three-dimensional modeling.

The Defendants Objet Geometries, Ltd. and Stratasys, Inc. in Civil Action No. 05-CV-939 anticipate calling 3-5 experts in the fields of United States Patent Office procedures, prosecution history of the patents in suit, damages and rapid prototyping three-dimensional modeling.

- (2) The Plaintiffs Objet Geometries and Stratasys, Inc. in Civil Action No. 05-CV-136 anticipate calling 3-5 experts in the fields of United States Patent Office procedures, prosecution history of the patents in suit, damages and rapid prototyping three-dimensional modeling.

The Defendant 3D Systems, Inc. in Civil Action No. 05-CV-136 anticipates calling 4 – 6 experts in the fields of United States Patent Office procedures, prosecution history of the patents in suit, damages and rapid prototyping three-dimensional modeling.

The parties anticipate that they will call the same experts in both Civil Action No. 05-CV-939 and 05-CV-136.

- (3) The parties, pursuant to Local Rule 26.3(a), recommend the disclosure and discovery option as follows:

- (a) Deadlines for all parties' identification of expert witnesses (initial and rebuttal). (Fed.R.Civ.P.26(a)(2)(A).)

Initial: For the party who has the burden of proof, September 1, 2006.

Rebuttal: October 2, 2006.

- (b) Deadlines for providing expert reports pursuant to Fed.R.Civ.P. 26(a)(2)(B).

For party who has the burden of proof, November 1, 2006.

For rebuttal reports, December 15, 2006.

- (c) Deadlines for completion of expert witness depositions, if any.
February 15, 2007.

F. Motion Schedule. The parties recommend that motions be filed and served on or before the following date:

- (1) For non-dispositive motions relating to fact discovery, September 15, 2006;
(2) For non-dispositive motions relating to expert discovery, March 1, 2007;

- (3) For dispositive motions, April 1, 2007.

G. Trial-Ready Date

- (1) The parties agree that the case will be ready for trial on or after July 1, 2007;
- (2) A final pretrial conference should be held on or before June 1, 2007.

H. Insurance Carriers/Indemnitors

List all insurance carriers/indemnitors, including limits of coverage of each Defendant or statement that the Defendant is self-insured.

3D Systems, Inc. is not aware of an insurance carriers or indemnitors who may be liable for all or part of any claim for damages.

Objet Geometries is not aware of an insurance carriers or indemnitors who may be liable for all or part of any claim for damages.

Stratasys may have a right to indemnification from Objet Geometries.

I. Settlement

- (1) The parties will discuss settlement before August 23, 2005, the date of the initial pretrial conference, by 3D Systems making a written demand for settlement and Objet and Stratasys making a written response/offer to 3D Systems' demand.
- (2) The parties believe that a settlement conference is appropriate and should be scheduled by the Court before at least the close of fact discovery.
- (3) The parties have discussed whether alternative dispute resolution (ADR) will be helpful to the resolution of this case and recommend the following to the Court:

Non binding mediation by a mediator selected by the parties.

J. Trial by Magistrate Judge.

The parties have not agreed to consent to jurisdiction by the Magistrate Judge pursuant to Title 28, United States Code, Section 636(c). (If the parties agree, the consent should be filed with the Rule 26(f) Report.)

3D SYSTEMS, INC.

By their attorneys:

Dated: July 13, 2005

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OBJET GEOMETRIES, LTD. and
STRATASYS, INC.

By their attorneys:

Dated: July 13, 2005

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